

POINT BLANK



STRAIGHT TALK
ABOUT WHAT YOU
CAN DO TO
PRESERVE YOUR
RIGHT TO KEEP AND
BEAR ARMS

JUNE 1984
VOLUME XIV, No. 6

CITIZENS
COMMITTEE
FOR THE
RIGHT TO KEEP
AND BEAR ARMS

(a non-profit corporation)

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Bulletin!

Flash!

CCRKBA PRAISES COMMITTEE VOTE

"We congratulate the United States Senate Committee on the Judiciary for its unanimous vote May 10 to eliminate all existing Federal restrictions on the interstate sales of firearms with the exception of handguns having barrels less than three inches in length," John M. Snyder, CCRKBA Chief Lobbyist, said last month in Washington, D.C.

"What the Senate Judiciary Committee has done," continued Snyder, "is vote to eliminate a good 75% of the onerous and burdensome Gun Control Act of 1968. If this vote holds up in future Senate consideration and in subsequent House and Administration discussion of the issue, it will cut drastically the activities of the notorious Bureau of Alcohol, Tobacco and Firearms and eliminate numerous regulations with which America's tens of millions of law-abiding firearms owners now are saddled.

"We commend Sen. Strom Thurmond of South Carolina, Committee Chairman, and Sen. Joseph Biden of Delaware, Ranking Minority Member, for reaching agreement on this principle, as well as Sens. Orrin Hatch of Utah, Malcolm Wallop of Wyoming, both CCRKBA Congressional Advisors, and Edward M. Kennedy of Massachusetts, for supporting it during the discussion in the Senate Judiciary Committee hearing room May 10. We trust the Senators will remain steadfast in their public commitment."

After the unanimous vote on the agreement, the Judiciary Committee voted 15-0 to report out the proposed Firearm Owner's Protection Act, S. 914, by Sen. James A. McClure of Idaho, as amended.

Earlier, on April 12, the Judiciary Committee had rejected a proposal by Sen. Kennedy, which CCRKBA opposed, to mandate a 14-day waiting period between purchase and delivery of a handgun. For details on this vote, see the center section of this issue of *Point Blank*.

After the May 10 vote, there were circulating on Capitol Hill reports that certain members and staff assistants of the Senate Judiciary Committee, dissatisfied with the vote, were trying to rewrite history with regard to it.

For more details, see the next issue of *Point Blank*.

Working With State Groups

CCRKBA Rips Illinois Suburban Handgun Ban

CCRKBA Projects Director Mark Challender expressed immediate outrage after the Oak Park, Illinois Board of Trustees voted 4-3 April 16 for an ordinance making illegal the private possession of a handgun by an otherwise law-abiding citizen.

Declared Challender: "I can't imagine why the 'trustees,' if they can be called that, would think that they can get rid of handguns simply by waving a 'magic wand' and passing a law. We already have laws which prohibit the possession of any firearm by violent criminals."

"Now we have in Oak Park another law which takes away the right of a person to protect his family with the weapon he chooses and leaves home protection up to the police who can't be everywhere at once."

"This country needs judges and lawmakers who are not afraid to punish violent criminals with harsh sentences. The victims of crime are tired of standing by and watching while their attackers often go free."

"Handguns are used approximately 300,000 times each year to deter criminals according to a recent study. Now if you choose to defend yourself in Oak Park, Illinois with a handgun you're a criminal."

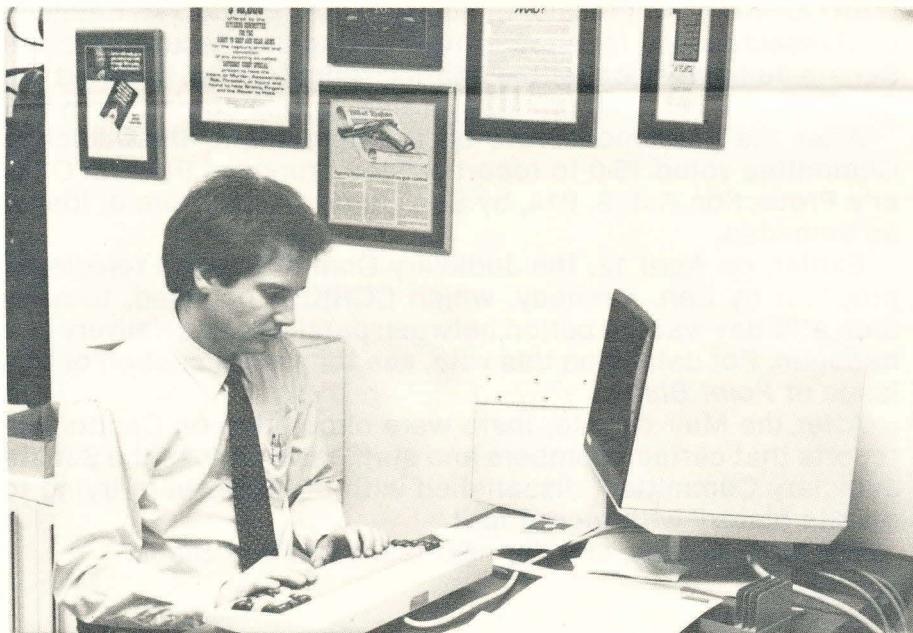
Challender announced that CCRKBA is working with the Illinois Rifle and Pistol Association, the Illinois Gun Owners Political Action Committee and the Illinois Duck and Goose Hunters Alliance to formulate an action project which will overturn the Oak Park law."

Voting in favor of the Oak Park ban were Village President Sara Bode and Trustees John Philbin, Philip Kier and Dennis Korchek. Opposing it were Trustees Catherine McMahon, Frank Muriello and Percy Slaughter.

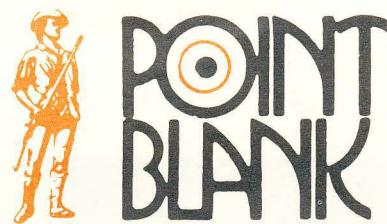
According to the *Chicago Tribune*, "opponents of the ban reacted angrily to the 4-3 vote, with some contending that the board railroaded the issue. James Tarabilda, a leader of a citizens group formed this year to defeat the measure, said the

board didn't follow its bylaws in voting on the ordinance. That, Tarabilda said, provides the group with a reason to seek an injunction against the ordinance.

"In addition, the opponents have gathered 6,000 signatures to put an advisory referendum proposal on the ballot, possibly in April, 1985. That election may also provide the opportunity, the opponents say, to defeat village board members who voted in favor of the law."



Challender at work at CCRKBA National Headquarters.



Straight talk about what you can do to preserve your right to keep and bear arms

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'60 Minutes' Elk Hunt Report Biased, Inaccurate, Distorted

By U.S. Sen. Malcolm Wallop (R-WY)
CCRKBA Congressional Advisor

On March 25, the CBS program *60 Minutes* aired a report on the elk reduction hunts in Grand Teton National Park and the Jackson Hole Elk Refuge. What was broadcast was not a fair and balanced piece showing both sides of the issue. Rather, *60 Minutes* with no sign of objectivity produced a segment that amounted to a reckless disregard for the truth. Those involved with the segment chose to completely overlook the expertise of professional game managers who are dedicated to protecting the Grand Teton National Park and the elk population. Instead they presented a biased, inaccurate, distorted and slap-dash version of an extremely complex issue. It was readily apparent to most everyone familiar with the elk reduction program that CBS had settled on their certain point of view before they ever set foot in Jackson Hole. They then went out to concoct a feature to support that view. In short, what they came up with typifies the worst of contemporary journalism. Look at some of the facts flagrantly omitted by *60 Minutes*.

First of all, *60 Minutes* greatly oversimplified and misrepresented the controversy by implying that elk are lured to a hunt area with food for the purpose of being slaughtered. This is simply not true. The elk reduction

program is part of a cooperative long-range State/Federal plan to insure a healthy elk population and restore historical migrations that existed prior to the creation of Grand Teton National Park. The elk move from five more or less distinct summer ranges to three much smaller wintering ranges. The limited winter range determines the supportable elk population and the hunts are the only management tool to keep the herds from exceeding the range's ability to support them. If the elk were not harvested, the population would soon increase to the point where the entire park herd would be threatened with starvation, weak reproduction and disease. The Jackson Hole ecosystem would be seriously damaged. The elk simply cannot survive without the elk refuge feeding program. This is not a case of luring but providing for the pure physical survival of a healthy herd.

Second, and most importantly, *60 Minutes* completely overlooked the fact that this harvest is required by Federal law. Grand Teton National Park is the only park where hunting—and strictly controlled hunting at that—is permitted. In 1950, legislation was enacted creating Grand Teton National Park. Management and preservation of the elk had been controversial for years. Therefore, a provision was included in the law, Public Law 81-787, specifically directing the State of Wyoming and the Interior Department to provide for the controlled reduction of the animals "by hunters licensed by the State of Wyoming and deputized as rangers by the Secretary of the Interior, when it is found necessary for the purpose of proper management and protection of the elk." Moreover, the law mandates that the Wyoming Game and Fish Commission and the National Park Service meet annually to review and analyze management practices. During these annual meetings, the two agencies must agree on whether a hunt is necessary based on range and population data, how long the season will be, and how many licenses will be granted. I would point out that in 1982, 2,177 hunters were licensed to hunt in the three NPS hunt areas and 875 elk were har-



Sen. Wallop

vested. This is a good but certainly not spectacular 40 percent success rate. Long prior to CBS' slanderous work, the Game and Fish Commission had recommended scaling back the hunt for management purposes in the coming year. The hunts are overseen by game wardens to insure they are carried out properly. The elk reduction program is not some sort of capriciously-imposed wholesale slaughter, but rather a carefully controlled management plan conducted by State and Federal agencies operating from a consistent set of objectives and policies mandated by Federal law.

Third, there is no denying the elk reduction hunts are controversial. They have been criticized by those who condemn them as unsportsmanlike and others (mostly outfitters) who would stand to gain economically if the hunts were stopped. But this program is not intended to provide the challenge of the hunt. It has always been nothing more than a means for controlling the elk population. The program has been an effective management tool, and until a better method can be found, the hunts should continue.

Finally, I would just like to add that *60 Minutes* is watched by millions of people every Sunday night. It is consistently one of the most watched programs on TV. Unfortunately, it is all too often one of the worst. CBS unconscionably parades shoddy reporting as professional, responsible investigative journalism. The large, loyal, and intelligent *60 Minutes* audience deserves better than the hatchet job aired on March 25.

STRENGTHEN GUN LOBBY!

The Citizens Committee for the Right to Keep and Bear Arms is the Nation's largest and most effective lobbying force in the pro-gun movement. It has more than 300,000 members and 275 affiliated gun clubs. Nearly 150 Members of Congress serve on its National Advisory Council. Why not help the Citizens Committee to continue to grow in size and strength by signing up at least one additional member today by using the handy form below.

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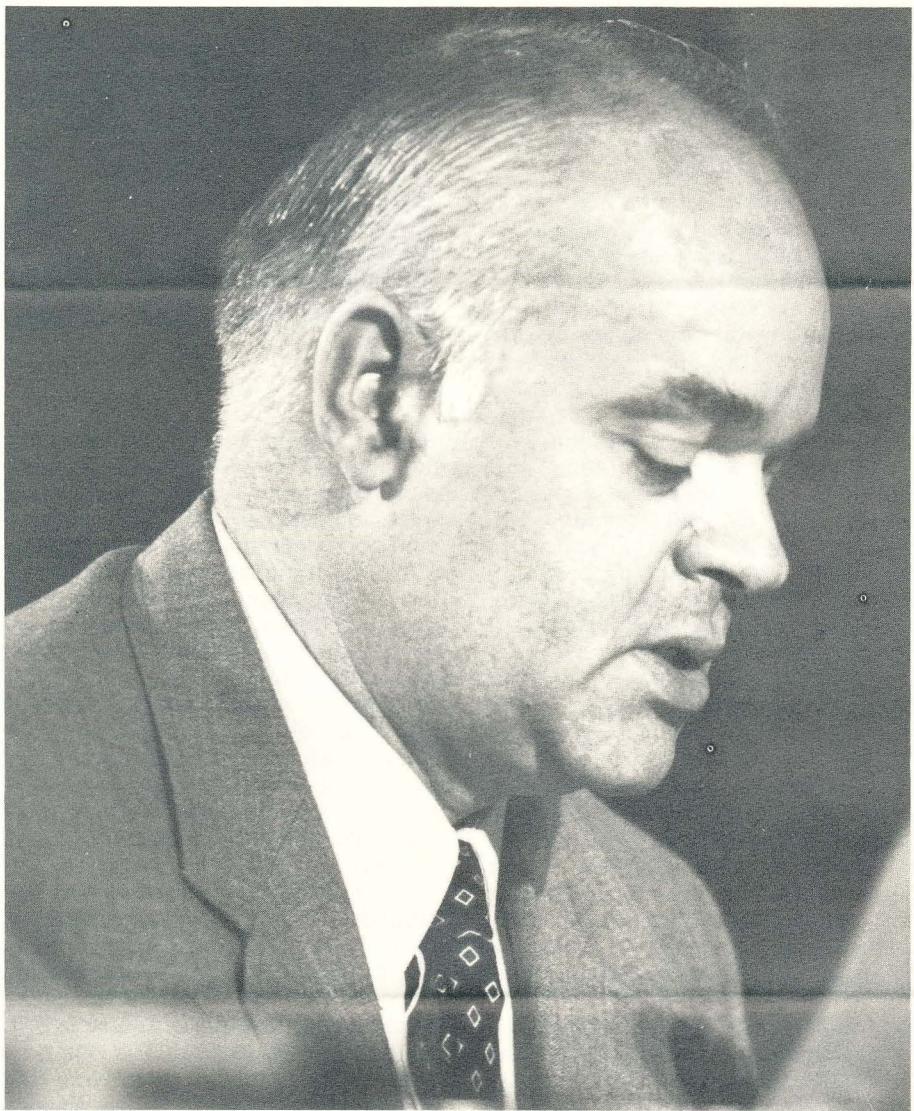
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CCRKBA PRAISES SENATE JUDICIARY KENNEDY ATTEMPT TO IMPOSE MANDATE



During public testimony, Snyder blasted waiting period concept....

CCRKBA Chief Lobbyist John M. Snyder, recuperating in Washington, D.C. from a sextuple coronary bypass graft operation undergone March 22, gathered enough strength by mid-April to issue a statement congratulating the United States Senate Committee on the Judiciary for shooting down on April 12 by an overwhelming margin a proposal to mandate a 14-day waiting period

between purchase and delivery of a handgun made by Sen. Edward M. Kennedy of Massachusetts.

The Kennedy move came as the Judiciary Committee took up consideration of S. 914, the proposed Firearm Owner's Protection Act introduced by Sen. James A. McClure of Idaho and co-sponsored by over half the members of the United States Senate.

On October 4, 1983, Snyder testified in public hearings before the Senate Judiciary Committee in support of S. 914. At that time, he told the Committee in no uncertain terms that America's tens of millions of law-abiding firearms owners supported S. 914 but would not tolerate the imposition upon them of a waiting period.

Judiciary Committee Members Reverse Their Position

On April 21, 1982, Sen. Strom Thurmond of South Carolina, Chairman of the Senate Judiciary Committee, sold out to Sen. Kennedy on the waiting period concept and voted for it along with a majority of the Judiciary Committee. By April 12, 1984, Sen. Thurmond and others on the Judiciary Committee had reversed themselves on the issue and that is why the Kennedy proposal was shot down this year.

In its June, 1982 issue, *Point Blank* reported the April 21, 1982 Senate action with an article headlined on page 1, "Thurmond Doublecrosses McClure and Gun Owners."

In his testimony before the Senate Judiciary Committee last October 4, Snyder sought to drive home that point, stating that a waiting period "requirement would deny the right of self-protection and, therefore, the right to life itself of an untold number of persons thrust into life-threatening situations.

"If the government tells an otherwise law-abiding citizen who faces such a situation that he or she must wait X number of days before he or she may receive a certain handgun, the government is saying, in effect, to that individual that 'you don't have a

JUDICIARY COMMITTEE FOR DEFEATING MANDATORY HANDGUN WAITING PERIODS

right to protect yourself for X number of days. You do not have a right to be secure in your life, you do not have a right to protect your family, you do not have a right to protect your property for X number of days.'

"The government, in other words, arbitrarily would be arrogating to itself the determination of the right to self-protection, the right to life itself, the right to protect one's family, and the right to protect one's property.

"Such an arrogation would be opposed intrinsically to the principles of civil liberty upon which this government is based. It must, therefore, be rejected utterly and without qualification as an unwarranted invasion of our citizens' civil liberties.

"Last year, when the Committee tacked on a waiting period requirement to the McClure Bill, it put in the barrel the one rotten apple which soured what otherwise would have been a good barrel of apples. This time, we hope the Members of the Committee will keep any rotten apples out of the barrel and report to the full Senate an unadulterated pro-gun measure. After all, Mr. Chairman, there are over 65 million law-abiding firearms owners in these United States who deserve some positive consideration from our government, from our elected representatives here in the Nation's Capital."

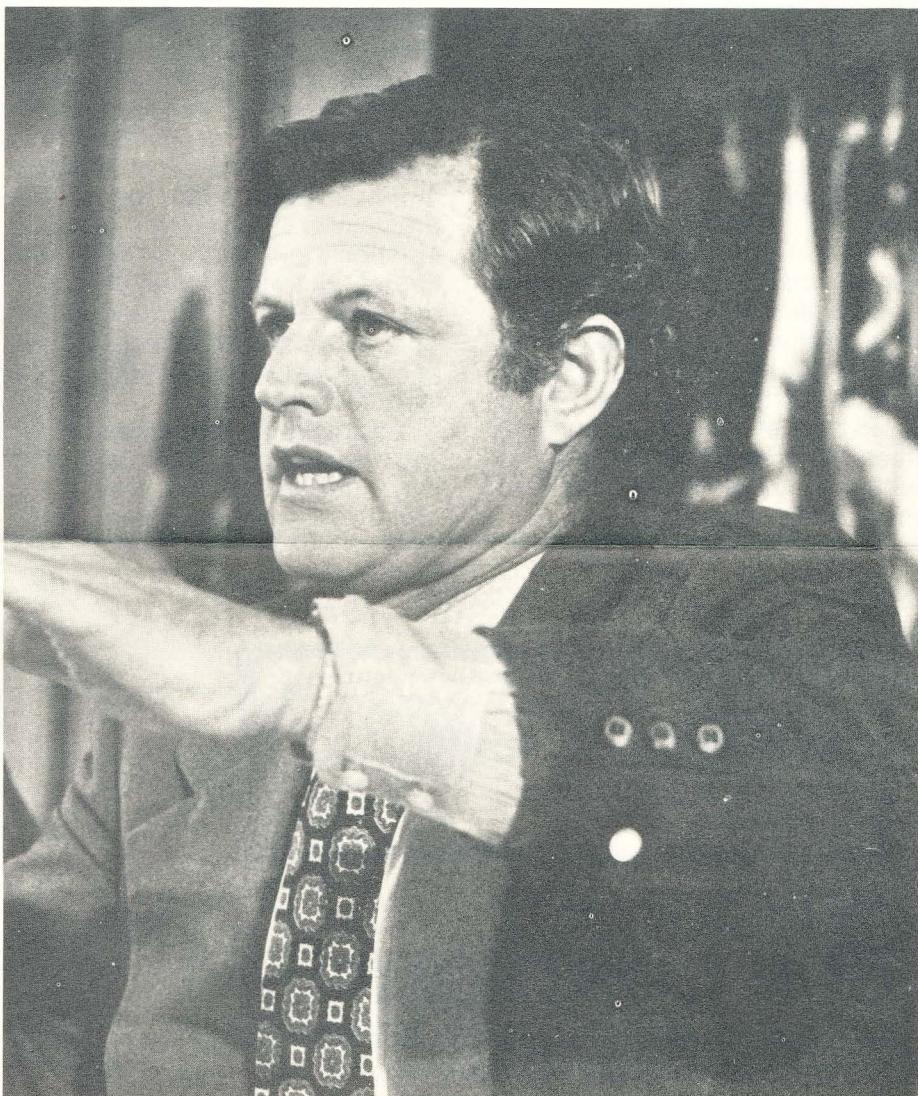
For and Against

At the April 12 meeting, those in opposition to the waiting period were Sens. Max Baucus of Montana, Jeremiah Denton of Alabama, Charles Grassley of Iowa, Orrin Hatch of Utah and Paul Laxalt of Nevada, all CCRKBA Congressional Advisors, and Sens. Dennis DeCon-

cini of Arizona, Howell Heflin of Alabama, Alan K. Simpson of Wyoming, Arlen Specter of Pennsylvania and Strom Thurmond of South Carolina.

Those supporting the waiting period were Sens. Edward M. Kennedy of Massachusetts, Charles McC. Mathias of Maryland and Howard Metzenbaum of Ohio.

At the same April 12 meeting, the Senate Judiciary Committee also rejected a Kennedy proposal to ban armor-piercing ammunition and voted instead to impose mandatory penalties for the misuse of that kind of ammunition in the commission of a crime.



...but Kennedy tried unsuccessfully to strong arm measure through Committee.

CCRKBA Lauds Kasten's Product Liability Bill

On March 27, the U.S. Senate Commerce Committee approved S.44, a bill by Sen. Robert Kasten of Wisconsin, a CCRKBA Congressional Advisor, to limit the responsibility of a manufacturer for harm caused by its products.

A companion measure, H.R. 2729, is pending before the Energy and Commerce Subcommittee on Health in the U.S. House of Representatives.

According to Mark Challender, CCRKBA Projects Director, S. 44, if passed, would do "many things helpful to gun owners."

Specifically, the Kasten measure would:

- Create preemption in the area of product liability.
- Establish standards by which a product may be found to be "unreasonably dangerous". Specifically Section 5(2)(d) says that a "product is not unreasonably dangerous in design or formulation if the harm was caused by an unsafe aspect of a product which was an inherent characteristic of the product and which would be recognized by the ordinary person who uses or consumes the product with the ordinary knowledge common to the community."

•Require warnings except where "dangers that are obvious." "Dangers that are obvious are those of which a reasonably prudent product user...would have been aware without a warning or instruction and dangers which were a matter of common knowledge to persons in the same or similar position as the claimant."

•Establish "misuse of a product" under which the trier of fact may determine that the harm caused by the product occurred solely because of misuse of the product.

Further, "misuse shall be considered to occur when a product is used for a purpose or in a manner which is not consistent with the warnings or instructions available to the user, or which is not consistent with reasonable practice of users of the product, or when a product user fails adequately to train another person in the safe use of the product, or otherwise provide for the safe use of the product was a cause of the claimant's harm."

The bill allows damages to be awarded in only one case and was designed to prevent a manufacturer from being pun-



Sen. Kasten

ished again and again for the same wrong. "In criminal law, a criminal is punished once," said an unidentified aide.

The bill is being opposed by the American Bar Association and Ralph Nader's Congress Watch.



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—QUICK SHOTS—

A newly formed National Coalition to Ban Handguns Political Action Committee has established a celebrity board to select a list of Members of Congress it would like most to see defeated in November's elections.

Board members include, according to *The Washington Post*, former CIA Director William Colby, authors Judith Rossner and Terry Southern, actors Teri Garr, Anne Jackson and Eli Wallach, singers Henry Nilsson and Jimmy Webb, director Peter Bonerz and Rev. Robert F. Drinan, S.J., a former Member of Congress who heads up Americans for Democratic Action. Drinan did not run for reelection to Congress after Pope John Paul II ordered Catholic priests out of elective partisan politics.

★ ★ ★

Says Security Letter publisher Robert McCrie: "I don't think there's any question that more operators of small stores are keeping a gun under the counter for peace of mind."

★ ★ ★

Anti-gun U.S. Rep. Bill Green (R-NY) invited CCRKBA Chief Lobbyist John M. Snyder to attend a special performance this month of "CATS" along with a cocktail reception in Green's honor for \$500; Snyder did not respond.

★ ★ ★

In Broward County, Florida, voters on March 13 approved a referendum giving the County Commission power to impose a waiting period of up to 10 days between the time a handgun is purchased and the time it is actually received. Police would be empowered to check the background of the purchaser during the waiting period. According to the *Fort Lauderdale News*, only 44.11% of the county's registered voters actually showed up to vote.

★ ★ ★

In Washington, D.C., Judge Donald S. Smith of the D.C. Superior Court ruled May 9 that the D.C. City Council has no authority to enact criminal laws.

Judge Smith's decision, if upheld by the D.C. Court of Appeals, would invalidate Washington, D.C.'s handgun ordinance, which prohibits a private citizen from purchasing or bringing in a handgun to Washington, D.C.

★ ★ ★

An elderly woman in Columbia City, Washington used her deceased husband's .22-caliber pistol to chase off a pair of would-be robbers who kicked in her door late in the evening of April 21.

Pearl Erickson, 60, was watching television when the two men suddenly kicked in her door and, pointing a rifle at her, demanded her money and her jewelry. Erickson said she went into her bedroom, as if to get what they wanted, but instead grabbed a revolver that had belonged to her late husband. Returning to her front room she fired a shot at the intruder holding the rifle. According to Erickson, he dropped the rifle and said, "Let's get out of here fast." Neither has been seen since.

★ ★ ★

Shirley Graham of Spokane, Washington, was relaxing on her couch watching television when men who identified themselves as Federal drug agents began kicking in her front door.

Frightened, she got up and peered out a window. A man with a shotgun was looking back. Just then, a local officer accompanying the federal agents realized they were at the wrong address. The officers apologized, rushed to the correct house next door, kicked in the right door, arrested three men and a woman on drug charges and confiscated \$135,000 worth of cocaine.

Two New Publications on The Right to Keep and Bear Arms

According to *The Weekly Bullet*, two major new monographs on the right to keep and bear arms are available from the Second Amendment Foundation. They are:

► *Handgun Prohibition and the Original Meaning of the Second Amendment*, by Don Kates, which rebuffs the argument that the Second Amendment guarantees the right "to keep and bear arms" only to the National Guard. Instead, Kates explains that the Founding Fathers wanted citizens to own firearms as a counter-balance to the federal army.

► *The Right of the People to Keep and Bear Arms: The Common Law Tradition*, by Joyce Malcolm, which complements Kates' monograph.

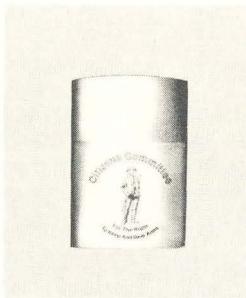
Malcolm argues that the Second Amendment protects an individual right to keep arms. She traces how, from their beginnings, England's Parliament and monarchs required males to keep arms to repel invaders. Because England did not have a standing army until the mid-17th century, citizens were required to form militias and train regularly.

With 70 pages and 290 footnotes, Kates' *Handgun Prohibition* is \$3.50 (include 75 cents for postage and handling). Malcolm's *Common Law Tradition* monograph is available for \$1.75 (include 75 cents for postage and handling). Purchased separately, the monographs total \$5.25. However, for a limited time, they are available together for \$4.50, a 15 percent savings (plus 75 cents for postage and handling). Mail your order to:

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